

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RONALD ROSS,)	
)	
Plaintiff,)	C.A. No.: 06-272 (SLR)
)	
v.)	
)	Trial By Jury Demanded
SEARS ROEBUCK & COMPANY,)	
a/k/a SEARS ROEBUCK & CO.)	
Defendant.)	

PROPOSED SCHEDULING ORDER

At Wilmington this _____ day of December, 2007, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties will exchange by January 10, 2008 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects: Plaintiff anticipates he will need to take discovery on the employment history of the plaintiff, the plaintiff's job performance while employed by the defendant, attempts at accommodation by the defendant, as well as the essential duties of the plaintiff's position with the defendant. Defendant anticipates it will need to take discovery on Plaintiff's alleged disability, whether Plaintiff was qualified to perform his prior position at

Defendant with or without a reasonable accommodation, Plaintiff's efforts to mitigate any economic damages, and Plaintiff's alleged emotional and compensatory damages.

(b) All discovery, including fact and expert discovery shall be commenced in time to be completed by August 30, 2008.

(c) Maximum of 25 interrogatories by each party to any other party.

(d) Maximum of 25 requests for admission by each party to any other party.

(e) Maximum of 10 depositions by plaintiff and 10 by defendant.

(f) Each deposition, except of Plaintiff, is limited to a maximum of 7 hours unless extended by agreement of parties. Defendant shall have 14 hours to depose Plaintiff.

(g) Reports from Plaintiff's retained experts under Rule 26(a)(2) are due on April 15, 2008. Rebuttal expert reports by Defendant are due on June 1, 2008. Any depositions of retained experts to be completed by August 30, 2008.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two** (2) Rule 37 motions. The court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.** The parties do not anticipate any motions to join other parties, amend the pleadings, and certify a class action.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to a Magistrate Judge for the purposes of exploring ADR.

5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before September 30, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

6. **Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before **[two weeks before pretrial conference]**. All responses to said motions shall be filed on or before **[one week before pretrial conference]**.

8. **Pretrial Conference.** A pretrial conference will be held on __ at __ m. in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a [day/week] bench/jury trial commencing on _____ in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the

parties should plan on being allocated a total number of hours in which to present their respective cases.

The Honorable Sue L. Robinson